

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1181 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 18.
- 3 Page 2, between lines 18 and 19, begin a new subparagraph and
- 4 insert:
- 5 "SECTION 1. IC 8-1-2-109 IS AMENDED TO READ AS
- 6 FOLLOWS[EFFECTIVE JULY 1, 2001]: Sec. 109. (a) A public utility
- 7 that violates this chapter, or fails to perform any duty enjoined upon it,
- 8 for which a penalty is not otherwise provided, ~~commits a Class B~~
- 9 ~~infraction.~~ **is subject to the following:**
- 10 **(1) a penalty of up to twenty-five thousand dollars (\$25,000)**
- 11 **for each violation found by the commission.**
- 12 **(2) a penalty of not more than three percent (3%) of the**
- 13 **annual gross intrastate operating regulated revenue derived from**
- 14 **the regulated activity of the utility. A utility's gross intrastate**
- 15 **regulated revenue derived from the regulated activity of the utility**
- 16 **shall be determined from the most recent public utility annual**
- 17 **report filed under IC 8-1-6-5.**
- 18 **(3) For purposes of this section, the commission may consider**
- 19 **each day a violation occurs to be a separate violation. The penalty**
- 20 **imposed under this section shall not exceed two million five**
- 21 **hundred dollars (\$2,500,000) per calendar month.**
- 22 **(b) The attorney general may bring an action in the name of**
- 23 **the state of Indiana to recover penalties imposed under this section**
- 24 **in accordance with the procedure set forth in section 115 of this**
- 25 **chapter.**
- 26 **(c) No utility shall be subject to both a penalty under this**
- 27 **section and a penalty under a commission approved settlement**

1 agreement for the same violation or noncompliance. If the
2 commission approves a settlement agreement that includes
3 penalties or remedies for noncompliance with specific provisions
4 of the settlement agreement, then the remedies provided in this
5 section shall not apply to those violations or noncompliance during
6 the lifetime of the settlement agreement."

7 Page 2, delete lines 27 through 39.

8 Page 2, line 40, delete "(h)" and insert "(f)"

9 Page 3, line 6, delete "(i)" and insert "(g)"

10 Page 3, line 7, delete "follows:" and insert "follows".

11 Page 3, line 8, delete "(1)".

12 Page 3, line 8, delete "directly".

13 Page 3, line 9, after "to " insert "all".

14 Page 3, run in lines 7 through 10.

15 Page 3, delete lines 11 through 31.

16 Page 3, line 32, delete "(m)" and insert "(h)".

17 Page 3, delete lines 35 through 42.

18 Page 4, delete lines 1 through 7.

19 Page 4, line 12, after "Indiana" insert "The reasonable
20 performance bond shall not exceed two million dollars
21 (\$2,000,000)."

22 Page 4, between lines 12 and 13, begin a new paragraph and
23 insert:

24 "SECTION 3. IC 8-1-2-115 IS AMENDED TO READ AS
25 FOLLOWS: Sec. 115. The commission shall inquire into any neglect
26 or violation of the statutes of this state or the ordinances of any city or
27 town by any public utility doing business therein, or by the officers,
28 agents, or employees thereof, or by any person operating the plant of
29 any public utility, and shall have the power, and it shall be its duty, to
30 enforce the provisions of this chapter, as well as all other laws, relating
31 to public utilities. Any forfeiture or penalty provided in this chapter
32 shall be recovered and suit therein shall be brought in the name of the
33 state of Indiana in the circuit or superior court where the public utility
34 has its principal place of business: by the attorney general in a court
35 that has jurisdiction. Complaint for the collection of any such
36 forfeiture may be made by the commission or any member thereof, and,
37 when so made, the action so commenced shall be prosecuted by the
38 general counsel: attorney general.

39 Page 4, line 31, delete "115. '1" and insert "115".

(Reference is to HB 1181 as printed February 9, 2001.)

Representative LUTZ J